

CHAPTER 2

Rules and Regulations of the Behavioral Health Division Mental Health and Substance Abuse Services

Provider Certification

Section 1. Authority. This Chapter is promulgated by the Wyoming Department of Health pursuant to W.S. §§ 7-13-1601 through 1615; W.S. § 9-2-102; W.S. § 9-2-2701; W.S. §§ 35-1-611 through 627; 2013 Wyoming Session Laws 206; and the Wyoming Administrative Procedure Act at W.S. §§ 16-3-101 through 115.

Section 2. Purpose and Applicability. These rules have been adopted to establish certification processes for providers of behavioral health treatment services funded by the Division and providers which provide substance use services to persons referred or ordered by the court for treatment services.

Section 3. Requirements for Certification of Providers Funded by the Division.

(a) Providers which receive funding from the Division shall have a national accreditation. The Division shall accept applicable and current national accreditation of a provider's mental health services, alcohol and other drug addiction services, integrated mental health and alcohol and other drug addiction services, or integrated alcohol and other drug addiction and physical health services being provided in this state as evidence that the provider satisfies the standards for state certification.

(b) Providers which provide any level of detoxification or substance use residential treatment services shall have a national accreditation. The Division shall accept applicable and current national accreditation of a provider's detoxification or residential treatment services as evidence the provider satisfies the standards for state certification.

Section 4. Requirements for Certification of Providers Not Funded by the Division.

(a) Substance use treatment providers that do not receive state funding must be certified under these rules, which requires compliance with Chapter 4, Substance Use Treatment Standards, as applicable, prior to accepting court referred or court ordered clients.

(b) The Division shall accept applicable and current national accreditation of a provider's alcohol and other drug addiction services, integrated mental health and alcohol and other drug addiction services, or integrated alcohol and other drug addiction and physical health services being provided in this state as evidence the provider satisfies the standards for state certification.

(c) Substance use treatment providers for the Department of Corrections shall be certified under these rules by complying with the applicable provisions of Chapter 4, Substance Use Treatment Standards, or through a Department of Corrections approved accreditation as evidence the provider satisfies the standards for state certification.

(d) The Division shall accept evidence based programming approved by the Division as a substitute for state certification of DUI/MIP education and early intervention services if the provider can demonstrate fidelity to the chosen model.

(e) Providers which provide any level of social detoxification and/or substance use residential treatment services shall have a national accreditation. The Division shall accept applicable and current national accreditation of a provider's detoxification and/or residential treatment services as evidence the provider satisfies the standards for state certification.

Section 5. Application.

(a) A provider seeking certification under these rules shall submit an application to the Division as specified by the Division and as posted on the Division's public website. The application shall include but is not limited to documentation demonstrating the provider meets the organizational requirements specified in Chapter 4 Section 3.

(b) Providers funded by the Division shall submit accreditation reports and certificates to the Division demonstrating compliance with national accreditation entities.

(c) Upon receipt of a completed certification application, the Division shall review the application for compliance with these rules. The review may include an on-site inspection and independent verification of national accreditation with the accrediting body, if applicable. The Division shall approve or deny the application within forty-five (45) calendar days after receiving the application.

Section 6. Acceptance of Accreditation and Granting of Certification.

(a) Applicants meeting the state certification requirements shall be granted a one (1) year certification from the date noted on the certificate.

(b) The Division shall require providers, which are nationally accredited, to submit any and all continuous quality improvement reports, annual conformance reports, reports of major unusual incidents, or any other reports required by the national accrediting body under which it received national accreditation.

Section 7. Renewal of Annual Certification.

(a) Providers, which are nationally accredited, shall be recertified by the Division on an annual basis as determined by their ongoing compliance with the national accreditation entity. The Division shall review all documents submitted to the Division pursuant to Section 6(b) and shall issue an annual certificate for state certification demonstrating compliance with the requirements of the national accreditation entity and the subsequent certification by the Division.

(b) Substance use treatment providers not funded by the Division, which are not nationally accredited, shall be granted annual certification renewal based upon a review of requested documents through the annual application renewal process as specified by the Division.

(c) Substance use treatment providers for the Department of Corrections not funded by the Division and which have a Department of Corrections approved accreditation shall be recertified by the Division on an annual basis as determined by their ongoing compliance with the accreditation entity. Treatment providers for the Department of Corrections which do not have a Department of Corrections approved accreditation shall be granted annual certification renewal based upon a review of requested documents through the annual application renewal process as specified by the Division.

(d) All providers must submit a renewal application on a form provided on the Division's website no less than 45 days prior to their certification expiration.

Section 8. Denial/Refusal to Renew/Revocation.

(a) The Division may deny an application to issue a certification if an applicant fails to substantially meet the requirements of these rules.

(b) The Division may refuse to renew a certification or revoke certification if the provider:

(i) Does not substantially comply with these rules;

(ii) Demonstrates chronic failure to provide services;

(iii) Provides services that fail to meet the applicable standard of care for the profession involved; or,

(iv) If there is a continuing condition creating serious detriment to the health, safety, or welfare of clients.

(c) If the Division denies or refuses to renew a provider's certification, the Division shall notify the provider in writing of the action. The Division shall notify the provider of the action within forty-five (45) days of receiving the application. The notice shall state the reasons for the action and shall inform the provider of actions necessary to

remedy the failures and of their right to a hearing in accordance with the Wyoming Administrative Procedure Act.

(d) When the Division determines there is sufficient evidence to revoke a provider's certification, the Division shall notify the provider in writing within five (5) business days of the actions taken. The notice shall state the reasons for the action and shall inform the provider of their right to a hearing in accordance with the Wyoming Administrative Procedure Act. The Division may grant the provider up to sixty (60) days to correct the conditions rather than revoke the certification. A provider's failure to correct the conditions identified under this provision shall result in a revocation of certification.

(e) If circumstances warrant, the Division may, in its discretion, require a written quality improvement plan provided for in Chapter 5, Section 6 prior to considering reinstatement of certification.

(f) If the Division denies, refuses to renew or revokes a certification, the provider may request an administrative hearing under the Wyoming Administrative Procedure Act. A request for a hearing must be received by the Division within thirty (30) calendar days of the action from which the appeal is taken. If a timely request for hearing is not received by the Division, no hearing will be available. If a timely request for hearing is received, the action is stayed pending a decision on the appeal, except where the Division finds in writing that the health, safety, or welfare of clients requires that the action take effect immediately.

Section 9. Severability. If any portion of this Chapter is found to be invalid or unenforceable, the remainder shall continue in full force and effect.